

1888-034 Chancery Causes: James A. Vandeventer vs. James M. Burchett &
Lee Co.

Wheeler, Weston

1 Plat

CA-Estate Dispute

T-Property

To The Honorable H. A. K. Morrison, Judge
of the Circuit Court of Lee County, Va.

Humbly Complaining, your orator
James A. Vandewater would respectfully
represent unto your honor that - his father
Larkin Vandewater departed this
life on the day of 1886 intestate
sized and possessed a good and
valuable farm of something near 140
acres, situate in Lee County, in the
White Shoals neighborhood. A copy of
the deed to said farm is here filed and
marked as exhibit "A".

Your orator would further show
your honor that - the said Larkin left
surviving him a widow, Awa, three
grandchildren ^{who were} the children of Jesse
Vandewater who departed this life
long before his father Larkin. The
names of said Grand children are James
L., Emory M. and Wm. Jesse Vandewater,
and eight children, to wit: Your orator,
Nancy J. Burchett², Barthena Wheeler³,
Lavina Wheeler⁴, Martha J. Burchett⁵,
Mary C. Weston⁶, Ursula Weston and
Wm. Vandewater⁸.

Your orator would further
show your honor that - Nancy J.
married James M. Burchett, Martha
J. married Beverly J. Burchett, Mary
C. married James E. Weston, Ursula
married John M. Weston, Barthena
married R. H. Wheeler, Lavina married George

1 W. Wheeler and that said three
2 grand children are infants un-
3 der the age of 21 years.*

4 Now your orator is advised
5 that upon the premises aforesaid
6 the said real estate of the said Park
7 in upon his death intestate passed
8 to and descended in law to his
9 said heirs subject to the rights of
10 the said widow, and that the same
11 may be ~~assigned~~ partitioned among
12 his said heirs in a court of equity.
13 Thereupon the prayer of your orator
14 is that said widow be assigned
15 out of said real estate one third in
16 rental value for her natural life
17 and that the residue as well the
18 part assigned said widow be divid-
19 ed in ~~three~~ equal parts in value,
20 and one part assigned to each
21 of said heirs per stirpes; that
22 a guardian ad litem be duly
23 appointed to protect the interests
24 of said infants; that James M.
25 Nancy J., Beverly J., and Martha
26 J. Burchetts, John M. James E.,
27 Ursula and Mary C. Weston, R. H.
28 Wheeler, Lucretia Wheeler George H.
29 Wheeler, Bathena Wheeler, Mrs. Ara,
30 James L., Emory M., and Mrs. J. Van-
31 leanters be made parties defend-
32 ants to this bill of complaint and
33 each be required to answer its

* Your orator would further show your honor that Mr. Lucretia Wheeler and Mrs. Van leanters decide that their three shares be assigned them adjoining each other if the same can be done without material injury to the other parties interested in this cause.

several allegations on oath as fully
and completely as specially inter-
rogated thereto; And that all other
further and general relief be grant-
ed your orator as equity may dem-
and and proper in this cause.
And he will ever pray &c. May
Commonwealths Spem. issue &c.

E. W. Rammington
P. J. —

le. le. 2000
 2pm P. 3000
 2 1/2 pm P. 4000
 2pm P. 5000

Clerk	12 99
G. A. L.	2.04
at	10.00
Courts	18.00
leob	3.47
9/	49.46
	56.00
	5.47
9/	43.46
	\$4.83

Jas. A. Vandewater

vs. } Rice in chan.

Jas. M. Burchette & Co.

1888 1st Aug Rules Bill filed
 Spd Executed by Geo.
 captang of. Def to, and
 B. A. L. filed
 " 2 Aug Rules, D. N. Confds
 and Cause set for hearing
 " Sept. Decree for partition
 + continued
 " Dec. Decree final

To the Hon. W. S. L. Morrison
Judge of the Circuit Court for Lee
County, Virginia.

The separate answer of James
L. Emory M., and William J.
Vanderenter, infant children of
Jesse Vanderenter decd, and
heirs at law, in the Real Estate
of Larkin Vanderenter decd, their Grand
Father, to a Bill in Chancery exhib-
ited in Your Honors Court against
these respondents and other defen-
dants by James A. Vanderenter,
by their Guardian ad litem J. A.
G. Hyatt, who has been assigned
to answer for them.

For Answer this respondent says
that he has carefully read the
Bill, and knows of no reason
why its prayer should not be granted.

But his said wards being of tender
years and incapable of advising,
as to their rights and interests, and
Courts of Equity being the peculiar Guard-
ians of such rights, they are respectfully
placed in your care, where your
respondent is certain they will
be well guarded, Respectfully

J. A. G. Hyatt for decd.

James A. Vandeventer
vs 3 Ans G. A. L. Fox
3 Infants
James M. Burchett et al

Filed Aug. 6th 1888
J. A. Hyatt, c.

James A. Vandewater Complt.

vs.

J. M. Burchett et al Defts.

In Chanc.

This cause came on this the
day of Dec., 1888, to be again heard upon
the papers formerly read in the cause
and the report of Commissioners filed
therein on the 14th Nov., 1888, and was ar-
gued by counsel. It appearing to the court
that said report is unexcepted to, it is
adjudged, ordered and decreed that said
report of said Comrs., be confirmed; and
that Anna Vandewater take and hold for
her life lot no. 10 set out and described
in said Comrs. report; that Martha J.
Burchett wife of Beverly J. Burchett take
and hold in fee simple lot no. 1;
that Nancy J. Burchett wife of J. M. Bur-
chett take and hold ^{in fee simple} lot no. 2; that
James L., Emory M. and Jesse Vandewater
infant children of Jesse Vandewater
and take and hold ^{in fee simple} jointly lot no. 3;
that Mary C. Weston wife of Ernest
Weston take and hold in fee simple
lot no. 4; that Ursula Weston wife
of John Weston take and hold in fee
simple, lot no. 5; that Barthana
Whelan wife of R. H. Whelan take and
hold in fee simple lot no. 6; that
Jas. A. Vandewater take and hold in fee
simple lot no. 7; that Lavina Whelan
wife of George Whelan take and hold in
fee simple lot, no. 8; and that

Wm Vandewater take and hold lot no. 9 in fee-simple. And for a more particular description of said several lots reference is made to the report and plat of said Comrs. filed in this cause.

It is further adjudged, ordered and decreed that this decree together with the report and plat of said Comrs. be by the clerk of this court transmitted to the Clerk of the County court for recordation in the proper deed books kept in that office.

It is further adjudged, ordered and decreed that the clerk of this court tax up the costs in this cause for which judgment is rendered against said parties in proportion to the interest each of said parties may have in said land, and for which execution may issue, except as to said widow who is not hereby decreed to pay any of said costs.

And this cause is stricken from the docket.

J. A. Vandewater

Wm Vandewater

J. M. Burchett et al

Entered Dec 5th 1888,

O.B. 167. Dyall & Co

Enter this
Dec 5th 1888.
H. A. C. M.

James A. Vandewater

vs

Jas. M. Burchett et al

In Chancery

This cause came on this day to be heard upon the bill of complaint which its filed therewith and the separate answer of Jas. C., Emory M. and Mrs. J. Vandewater infants by their guardian ad litem: On consideration of all of which and it appearing to the court that process had been duly accepted by the adult defendants in this cause for more than 15 days & they failing to appear in obedience to the mandates of said process as to said adults said bill is taken for confessed, and it is ordered adjudged and decreed that C. C. Elliott, Wm. L. Gion, Jefferson Muff and Mrs. Munsey who are hereby appointed commissioners for the purpose, do go upon the lands in the bill and proceedings mentioned and partition, lay off and assign the same, viz:

First, By assigning Arva Vandewater the widow of Charles Vandewater one third of said lands for her natural life;

Second, By assigning to James A. Vandewater, Lavina Mueler and Mrs. Vandewater each one-eighth of said land adjoining each other, if the same can be done without material injury to the others ~~interested~~ interested in this cause;

Third, By assigning to the infant heirs of Jesse Vandewater one-eighth

of said land

Fourth, by assigning one-eighth of
said land to each of Nancy J. & Martha
J. Burchat & Mary L. & Ursula Heston

In each one of assignment said
couns. will have due regard with
~~have due regard~~ to value, quantity
&c. And said couns. will report
their action to a future term of this
court and this case is continued

J. A. Vanclaw

vs. } Deers No. 1

James M. Burchat

et al. vs. James M. Burchat
et al.

Enter this Sept.

4 day 1898

1898

Virginia

At a Circuit Court continued
and held for at &c, Sept 5th 1883.

James H. Vandewater

Plff

(Subs)

vs
John M. Burchett et al. Vfts

It is ordered, adjudged
and decreed, that C. C. Elliott,
Wm. D. Jones, Jefferson Veff and Wm.
Huning, who are hereby appointed
Commissioners for the purpose, do
go upon the lands, in the Bill and
proceedings mentioned, and par-
tition say off, and assign the same
as follows - By assigning Anna Vandewater
the widow of Gordon Vandewater, one
third of said land for her natural
life, Secondly By assigning to James
H. Vandewater, Lucius Wheeler
and Wm Vandewater each one
eighth of said land, adjoining each
other of the same may be done, with-
out material injury to the others inter-
ested in this Cause.

Thirdly - By assigning to the infant
heirs of James Vandewater one
eighth of said land.

Fourth - By assigning one eighth
of said land, to each of James H.

Burchett Martha L Burchett, and Mary
L Weston vs Ursula Weston.

In each case of assignment said
Comrs will have due regard to
value property, &c and will report
their action to a future term of
this Court and the cause con-
tinued.

J. Copy

Wm. J. H. Smith &c

14 Copies

James A. Vanderwerker

3 Copy Decease

Jno M. Burchett et

Handed copies of
the record to
Wm. Burchett who is
to, at the request of
the High, will a hand
down to the, either
overd. Sept 1/88
1888 J. H. Smith &c

Colerke-

8/1/78

Virginia

At a circuit court continued
shela for Lee Co at &c Sept 4th 1888-

James a Vander venter

Plff. }
In Key. }

vs
Jno M. Burchett et al

Defb. }

It is ordered.

adjudges & decrees that C. C. Elliott
Mr. P. J. Jefferson Neff. & Mr. Muncy
who are hereby appointed Commissioners
for the purpose do go upon the lands
in the Bill & proceedings mentioned
for partition. lay off. & assign the same
viz: First: By assigning Arsa Vander venter
the widow of Larkin Vander venter, one
third of said land for her natural
life - Secondly: - By assigning to James
a Vander venter Lorna Wheeler &
Mr Vander venter Each one eighth
of said land adjoining each other. if
the same can be done, without
material injury to the others interested
in this cause.

Thirdly: - By assigning to the infant
heirs of Jessie Vander venter $\frac{1}{8}$ of said
land.

Fourth. By assigning one eighth
of said land to each of

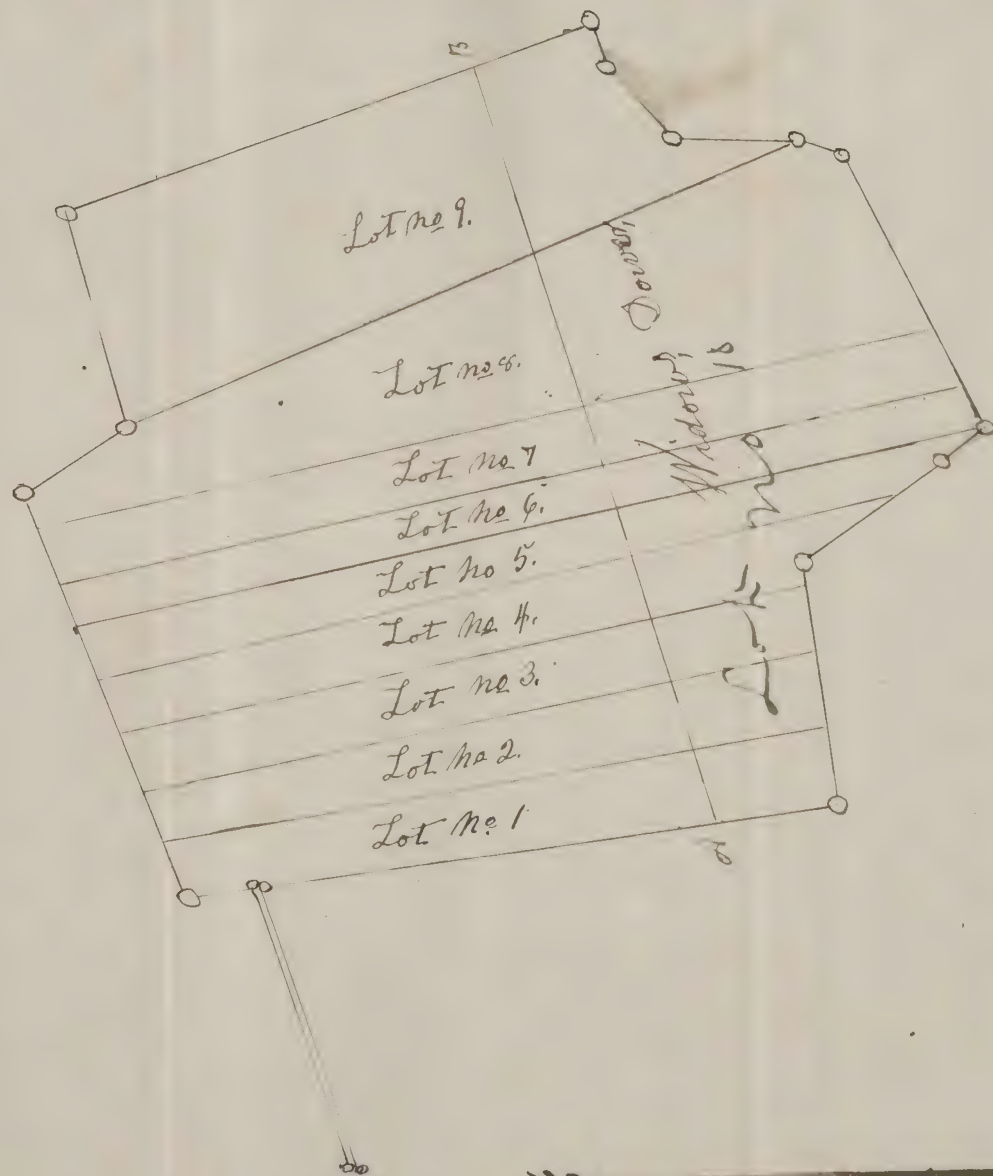
Nancy J. Burchett. Mary J. Burchett
+ Mary C. Weston Ursula Weston
In each case of assignment
said Commissioners will have
due regard to value quantity
+ will report their action to a
future term of this Court & the
Cause is continued

Attest:

Teste: J. A. Hyatt C.C.

Heir over Lotroad Barrenes Whales,
making the Brinkha Laid,

For
C. B. Elliott



Alfordian

2.25-
1.20
3.47

Path
"B"

$\frac{22.1}{22}$
 $\frac{22}{22}$
 25

Variation $1\frac{1}{2}$

To Beverly J. Burdett Lot No 1 Bounded as follows
Beginning on a Chestnut & two Blackoaks near the Top
of a ridge thence S 74° W 165 1/2 feet to a Stake or Black
Burr Munoy's corner and with his line S 60° E 12 feet to
Stake in said Munoy's line thence leaving said line S 7° E
110 feet to Stake in the old line and with the same
S 57° W 74 feet to the Beginning containing 12 Acres

To James M. Burdett Lot No 2 Bounded as follows
Beginning on a Small Ploverwood in the original line
thence S 21° W 15 1/2 feet to the corner of Lot No 1 & with
the same S 77° W 110 feet to a Stake another corner of Lot
No 1 in Munoy's line and with his line S 40° E 11 feet
to a Stake thence leaving Munoy's line S 11° E 112 feet
to the Beginning containing 12 Acres

To the Infant heirs of Jesse Candaventer
Lot No 3 Bounded as follows
Beginning on a Hickory Blackoak & Whiteoak 20 Bushes
in the old line S 31° W 13 1/2 feet to the corner of Lot No
2 & with line of the same S 11° W 112 feet to a Stake
in Munoy's line & with the same S 68° E 114 feet
to a Stake thence leaving Munoy's S 11° E 115 feet
to the Beginning containing 12 Acres

To Mary C. Candaventer now Emel Weston's
wife Lot No 4 Bounded as follows
Beginning at a White in the old S 43° W 26 feet to a
Double Black & Chestnut an original corner S 81° W 5 1/2
feet to corner of Lot No 3 & with the same S 11° W 116
feet to a Stake in Munoy's line & with the same S 68° E 114

13 poles to a stake thence leaving Muncy line S 12 E 172 poles to the Beginning containing 12 acres

To Ursula Vandarenter now John Horton wife Lot No 5 Bounded as follows

Beginning on a Dogwood + S Davenport
The Beginning of the Survey N 39 1/2 W 11 poles to a stake
+ White oak N 35 1/2 W 11 poles to the corner of lot No 4. + with
the same N 12 W 172 poles to a stake in Muncy line
and with the same N 68 1/2 E 144 poles to a stake thence leaving
said line S 11 E 191 poles to the Beginning containing 12 A.

To Bartholomew Vandarenter now H. H. Wheeler's
wife Lot No 6 Bounded as follows

Beginning at a stake in the original line + with the
same S 66 1/2 W 10 poles to the Beginning corner of the old
Survey. a corner to lot No 5 and with the same
N 11 1/2 W 194 poles to a stake in Muncy line and with
the same N 68 1/2 E 164 poles to a stake thence leaving
Muncy line S 11 E 198 poles to the Beginning containing
12 acres.

To James A Vandarenter
Lot No 7 Bounded as follows
Beginning on a stake in the Original line + with
the same to corner of Lot No. 6. and with the same
N 11 1/2 W 193 poles to a stake in Muncy line + with
the same N 68 1/2 E 13 poles to a stake thence leaving
said line S 11 E 191 poles to the Beginning containing
16 acres

To Levina Vandaventer now George Whiter
wife Lot No 8 Bounded as follows
Beginning on a Whiteoak old corner S 19° W 10 poles
to a Stake old corner N 66° 42' W 40 poles to a Stake corner
to Lot No 7. & with the same N 11° W 191 poles to
a Stake in munnys line & with the same
N 66° 42' 7 poles to a Rock & Dogwood barter Munnys
corner thence leaving munny line S 31° 34' E 25 poles to a
Sunn and Whiteoak by a Sink hole S 21° 42' E 151 poles
to the Beginning continuing 33 more?

To Mrs Vandaventer

Lot No 9. Bounded as follows.
Beginning on a Whiteoak old corner & corner to
lot no. 31 N 21° 42' W 191 poles to a Sunn & Whiteoak
by a Sink corner to lot no. 2 & leaving the same
N 7° 44' E 44 poles to a Stake in the corner of a
fence S 19° E 116 poles to a Dogwood & Sowerwood
S 73° W 10 poles to a Blackoak, Whiteoak & 2 Sowerwood
S 117° W 20 poles to a Blackoak S 1° 42' W 26 1/2 poles
to the Beginning continuing 31 more.

There is a small piece of land lying
on the west side of tract of land that leads
to the main road, it being heretofore reserved
for a road or passway we have left it in
common to all of the heirs, We also give
to all of the heirs the privilege of using
water from their father's Spring provided
they do it peaceably,

The herewith filed Plat. Marked (B)

The following is the Bill of costs

To C. C. Elliott	\$6.00	Paid
Jefferson & Jeff 4 days	4.00	07
Wm. M. Muncy 4 days	4.00	11
Wm. P. Zion 11 days	11.00	27

All of which is respectfully submitted

C. C. Elliott
Jefferson & Jeff
Wm. Muncy
Wm. P. Zion

Traverse County Court Clerk's Office Dec 20 1888
The foregoing Plat and report of
the partition of the land of Charles
Tandeventer decd, was this day
filed in this office and submitted
to records.

Ex. Examiners
Report

Geo. M. Bennett & Co.

Filed Nov. 14 1878

Geo. M. Bennett & Co.

Examiners
Nov. 23 7.65

Report
Geo. M. Bennett & Co.
J.R.S.

Exam. Fee - \$18.00

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

² James M. Burchett, Nancy
³ J. Burchett, William Vandewater, R. H. ⁴ Wheeler
⁵ Barthena Wheeler, Geo. W. ⁶ Wheeler, Laura ⁷
⁸ Wheeler, Benjamin ⁹ Burchett, Martha ¹⁰
¹¹ Burchett, James E. ¹² Weston, Mary ¹³ Weston,
¹⁴ John M. ¹⁵ Weston, Ursula ¹⁶ Weston, Anna
Vandewater, James L. Vandewater,
Emory M. Vandewater and
William J. Vandewater.

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in August next, being rule day to answer a bill in Chancery exhibited in our said Court
against them by James A. Vandewater

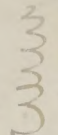
And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.
This 6th day of August 1888, in the 11 3 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

*D
Living*

James A Vandewater

vs  Spa in chcy

James M. B. Bennett

Lo. Aug. Rules 1888

We accept legal
service of the within
Spa. this Aug 6th 1888.

Res H. Wheeler

Barthena Wheeler

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

² J. Burchett ³ William Vandevanter ⁴ R. A. Wheeler ⁵ Bartholomew Wheeler ⁶ George W. Wheeler ⁷ Lavinia Wheeler ⁸ Beverley J. Burchett ⁹ Margaret J. Burchett ¹⁰ James E. Weston ¹¹ Mary C. Weston ¹² John M. Weston ¹³ Ursula Weston ¹⁴ Arra Vandevanter ¹⁵ James L. Vandevanter ¹⁶ Emily M. Vandevanter ¹⁷ Jacob William J. Vandevanter

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in August next, being rule day to answer a bill in Chancery exhibited in our said Court against them by James A. Vandevanter

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This 6th day of August 1888, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(E.W.P)

James A. Vandewater

vs 3 Spain Chcy

James M. Burschett et al

To 1st Aug. Rules 1888

We accept legal
service of the within
Spa, Aug. 6th 1888.

- 1 James M. Burschett
- 2 Percy J. Burschett
- 3 William Vandewater
- 4 George Wheeler
- 5 Lavinia Wheeler
- 6 Beverly J. Burschett
- 7 Martha J. Burschett
- 8 James E. Weston
- 9 Mary E. Weston
- 10 John M. Weston
- 11 Mauda A. Weston
- 12 Anna Vandewater
- 13 Jas. S. Vandewater

13
12
91
13
221